UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

LEON E. LEWIS,)	
Petitioner,)	
)	
V.)	No. 4:09-CV-25 CAS
)	
STATE OF MISSOURI,)	
)	
Respondent.)	

ORDER

This matter is before the Court on review of the file. By Order dated March 12, 2009, petitioner was ordered to show cause why the petition should not be dismissed without prejudice for failure to exhaust available state remedies. Petitioner has not responded to the show cause order and the time to do so has passed. Because petitioner is challenging the merits of his ongoing state criminal proceeding, the petition should be dismissed for failure to exhaust available state remedies.

Accordingly,

IT IS HEREBY ORDERED that petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** without prejudice.

An Order of Dismissal shall accompany this Order.

CHARLES A. SHAW

UNITED STATES DISTRICT JUDGE